BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

In the Matter of	)	
	)	
Numbering Resource Optimization	)	**CC Docket No. 99-200**
	)	
Implementation of the Local Competition	)	
Provisions of the Telecommunications	)	
Act of 1996	)	**CC Docket No. 96-98**
	)	
Telephone Number Portability	)	**CC Docket No. 95-116**

COMMENTS OF
THE NEW YORK STATE TELECOMMUNICATIONS ASSOCIATION, INC.

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May 6, 2002

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COMMENTS OF THE NEW YORK STATE TELECOMMUNICATIONS ASSOCIATION, INC.

On March 14, 2002, the Federal Communications Commission ("FCC" or "Commission") released the text of its *Third Order on Reconsideration, Third Further Notice of Proposed Rulemaking, and Second Further Notice of Proposed Rulemaking* in the above-named proceeding.[1] The *March 14, 2002 Notice* seeks Comment on seven specific issues regarding local number portability ("LNP") and thousands-block pooling.

[1] *In the Matter of Numbering Resource Optimization, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, and Telephone Number*

SUMMARY

The New York State Telecommunications Association, Inc. ("NYSTA") has synthesized these seven issues[2] into five categories to express our opposition to any requirement that all carriers providing service in the top 100 Metropolitan Statistical Areas ("MSAs") must be LNP capable and participate in thousands block number pooling regardless of whether a request for interconnection or portability has been received.[3] NYSTA believes such a requirement is onerous for rural carriers, unlawful, and contrary to the public interest.

In addition, NYSTA maintains that rural carriers should be exempt from any pooling requirements because the unique nature of rural service areas renders pooling unnecessary even if competition exists.

Portability, CC Docket Nos. 99-200, 96-98, and 95-116, FCC 02-73 (released March 14, 2002). ("*March 14, 2002 Notice*")

[2] These issues include: (1) Whether carriers should be required to deploy LNP and participate in thousands-block pooling in the largest 100 MSAs, regardless of whether they have received a specific request to provide LNP from another carrier?; (2) Whether certain small carriers that have switches either within the largest 100 MSAs or in areas adjoining the largest 100 MSAs but provide service to no or few customers within the MSA, should be exempt from the LNP requirement because they are unlikely to receive a request for LNP?; (3) Whether all carriers in the top 100 MSAs should be required to participate in thousands-block pooling, regardless of whether they are required to be LNP capable or if they have received a request to provide LNP in a particular switch?; (4) Should certain small carriers, or classes of carriers that use numbering resources, be exempt from the pooling requirements?; (5) Whether those areas included on the largest 100 MSA list only because they have combined with other MSAs into CMSAs are sufficiently competitive to be subject to the LNP and pooling requirements?; (6) Whether state commissions should be given authority to require LNP and pooling in these additional MSAs and under what criteria?; and (7) Whether small or rural carriers should be able to opt out of participation in these MSAs upon a showing that there are no competing carriers in the applicable geographic area?

Further, rural carriers in those areas included on the largest 100 MSA list only because they have combined with other MSAs into Combined MSAs (CMSAs) should likewise not be required to implement LNP until receipt of a *bona fide* request for such. State regulatory commissions should not be given authority to require LNP and pooling in these CMSAs.

Finally, should rural carriers not be granted a blanket exemption from the rules, these carriers should be able to opt out of LNP and pooling participation in these MSAs upon a showing that there are no competing carriers in the applicable serving area which have requested LNP.

STATEMENT OF INTEREST

NYSTA is a non-profit association incorporated in 1921 whose membership includes all of the incumbent local exchange carriers operating in New York State as well as several competitive local exchange carriers and interexchange carriers. The incumbent members include rural carriers offering service in five of the top 100 MSAs in the United States. From time to time, NYSTA advocates positions on behalf of our membership to seek resolution of regulatory issues on their behalf. According to our understanding of the boundaries of the top 100 MSAs, 13 of our rural carrier members would be directly affected by this requirement.[4] We are, accordingly, submitting these Comments on their behalf.

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[3] *March 14, 2002 Notice*, at p. 3.

PARAMETERS OF THE ISSUE

On December 28, 2001, the FCC released the text of its *Third Report and Order and Second Order on Reconsideration* in this proceeding.[5] The *December 28, 2001 Order* states in no uncertain terms that "we give non-compliant carriers six months from the effective date of this order to become LNP capable in the top 100 MSAs."[6] It also reiterated the finding that the only carriers exempt from the pooling requirement are paging carriers and carriers outside the largest 100 MSAs that have not received a request to deploy LNP from a competing carrier.[7]

This issue was clarified in the *March 24, 2002 Notice*, where the Commission decided to continue exempting carriers in the top 100 MSAs from complying with the LNP and pooling requirements in the absence of a request, but solicited Comments on seven related issues, including whether to require exempt carriers located in the top 100 MSAs to implement LNP and pooling, even if the carrier had not received a request from a competing carrier.[8]

The top 100 MSAs appear as Appendix D to the *December 28, 2001 Order* and include the following metropolitan areas within New York State: New York, Buffalo,

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[4] The list of affected rural carriers in New York State appears as Attachment A.
[5] *In the Matter of Numbering Resource Optimization, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, and Telephone Number Portability*, CC Docket Nos. 99-200, 96-98, and 95-116, FCC 01-362 (released December 28, 2001). ("*December 28, 2001 Order*") An *Errata* was issued in this proceeding on February 8, 2002 which has no bearing on the arguments contained within.
[6] *December 28, 2001 Order*, at p. 55.
[7] *Id.,* at p. 8.
[8] *March 24, 2002 Notice* at pages 3-6. *See, also,* footnote 2*, supra*.

Rochester, Albany, and Syracuse. The *December 28, 2001 Order* recognizes that the composition of the MSAs will change over time.[9]

According to the 2000 United States Census, the following counties are included within each of these MSAs:[10]

> ***New York, NY:*** Includes NYC, Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, and Westchester counties.
>
> ***Buffalo, NY:*** Includes Erie and Niagara counties.
>
> ***Rochester, NY:*** Includes Genesee, Livingston, Monroe, Ontario, Orleans, and Wayne counties.
>
> ***Albany, NY:*** Includes Albany, Montgomery, Rensselaer, Saratoga, Schoharie, and Schenectady counties.
>
> ***Syracuse, NY:*** Includes Cayuga, Madison, Onondaga, and Oswego counties.

Within these MSAs, the following 13 carriers operate and are defined as "rural telephone companies" under the Telecommunications Act of 1996:[11]

> ***New York:*** Citizens Telecommunications Company of New York, Fishers Island Telephone Corp., and Warwick Valley Telephone Co.
>
> ***Buffalo:*** Citizens Telecommunications Company of New York

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[9] *December 28, 2000 Order* at page 56. Therefore, applicability issues determined in a final order in this proceeding would appropriately apply to all rural carriers operating in the top 100 MSAs as these MSAs are defined as of this filing and to any extent that they may change in the future.

[10] U.S. Census Bureau, Census 2000, Table 1: Metropolitan Areas and Their Geographic Components in Alphabetical Sort and Table 3: Metropolitan Areas Ranked By Population 2000. Counties included in the New York, NY MSA includes all counties in the CMSA.

[11] 47 USC § 153(37). All of these carriers provide local service to fewer than 50,000 access lines per study area and have 15 percent or less of their access lines in communities of 50,000 or more.

> ***Rochester:*** Citizens Telecommunications Company of New York, Empire Telephone Corp., Frontier Communications of Seneca-Gorham, Ogden Telephone Co., Ontario Telephone Co., and Port Byron Telephone Co.
>
> ***Albany:*** Citizens Telecommunications Company of New York, Middleburgh Telephone Co., Pattersonville Telephone Co., and State Telephone Co.
>
> ***Syracuse:*** Citizens Telecommunications Company of New York, Oriskany Falls Telephone Co., and Vernon Telephone Co.

Accordingly, all of these carriers, which are members of NYSTA, would be directly -- and negatively -- affected by the outcome of this proceeding. For the reasons that follow, NYSTA urges that LNP be made inapplicable to rural carriers operating in the top 100 MSAs as being unlawful and against the public interest in the absence of a request. As a result, the LNP requirements found in § 52.23 of the FCC's Rules, which mandate that a request for LNP be received by a carrier prior to this requirement becoming applicable, should continue in effect. Alternatively, rural carriers operating in or serving the top 100 MSAs should be able to opt out of participation in LNP in these MSAs upon a showing that they have not received a request for LNP from competing carriers in the applicable geographic area.

I. RURAL CARRIERS SHOULD NOT BE REQUIRED TO DEPLOY LNP IN THE LARGEST 100 MSAs UNLESS THEY HAVE RECEIVED A SPECIFIC REQUEST FROM ANOTHER CARRIER TO PROVIDE LNP

The FCC's 1997 *First Memorandum Opinion and Order on Reconsideration*[12] in its Telephone Number Portability proceeding and the text of its rules indicate that the

[12] *In the Matter of Telephone Number Portability*, CC Docket No. 95-116 (released on March 11, 1997). ("*March 11, 1997 Order*")

LNP and pooling requirement were not intended to apply to rural carriers operating in the top 100 MSAs in the absence of a request for interconnection or pooling.

Specifically, the *March 11, 1997 Order* states:

> we believe that limiting [LNP] deployment to switches in which a competitor expresses interest in number portability will address the concerns of smaller and rural LECs with end offices within the 100 largest MSAs that they may have to upgrade their networks at significant expense even if no competitors desire portability. . . . We therefore conclude that LECs need only provide number portability within the 100 largest MSAs in switches for which another carrier has made a specific request for the provision of portability.[13]

The Commission concluded by holding:

> As set forth above, we grant the petitions to limit deployment of portability to those switches for which a competitor has expressed interest in deployment by concluding that LECs need only provide number portability within the 100 largest MSAs in switches for which another carrier has made a specific request for the provision of portability. We find that this modification to our rules should address the concerns of parties that urge us to waive number portability requirements for rural and/or smaller LECs serving areas in the largest 100 MSAs until receipt of a request.[14]

When § 52.23 of the FCC's Rules was amended on April 15, 1997 in response to this decision, it was done so to read as follows:

> (b)(1) All LECs must provide a long-term database method for number portability in the 100 largest Metropolitan Statistical Areas (MSAs) by December 31, 1998, in accordance with the deployment schedule set forth in the Appendix to this part, <u>in switches for which another carrier has made a specific request for the provision of number portability</u>, subject to paragraph (b)(2) of this section.[15]

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13 <u>*Id.*</u>, at paragraphs 59 to 60.
14 <u>*Id.*</u>, at paragraph 113.
15 47 CFR § 52.23(b)(1) (emphasis added). Paragraph (b)(2) of § 52.23 sets forth the criteria for which competing carriers can make requests, when requests for LNP

NYSTA believes that the very sound reasoning for adopting the above policies regarding rural carriers operating in the top 100 MSAs is still valid today.

To require otherwise runs counter to the public interest. Requiring rural carriers to invest in unnecessary system upgrades, and requiring their rural customers and/or interexchange carriers to pay for these increased network expenses when there exists no carrier which requires LNP capability, is contrary to the public interest and this Commission's stated goal of making affordable telecommunications services available to rural America.

Additionally, pooled numbers can only be used in the rate center to which they are assigned, therefore they have value only to those carriers operating in the same exchange as the donor carrier. Thus, for any carrier, unless a competitor has requested LNP, pooled numbers provide no benefit because no other carrier could make use of the pooled numbers. This is the reason for the requirement that a *bona fide* request must be received prior to requiring LNP capability by rural carriers, regardless of which MSA they operate in.[16] Such a logical conclusion still makes sense today.

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deployment must be made, and the timetable for the incumbent to deploy LNP after the request is received.

[16] Additionally, in the case of rural carriers, a rural exemption proceeding must be conducted by the state regulatory commission, the rural exemption struck down, and an interconnection agreement negotiated between the rural carrier and competitor prior to LNP being required. *See: generally*, 47 USC § 251(f).

To investigate the ramifications of requiring rural carriers in the top 100 MSAs to invest in LNP and portability in the absence of a request, NYSTA conducted an informal survey of its affected members. The costs to upgrade existing switches to provide LNP and pooling (the vast majority do not already have this generic upgrade in place), purchase the LNP and pooling software, and conduct the necessary translations would average over $100,000 per company.[17]

One hundred thousand dollars is a significant amount of money for rural, Independent telephone companies, especially when no party will benefit from the expense. Although the carrier that expends the money will, for a limited period of time, be able to recoup some costs through increased access charges,[18] this will cover only a portion of the expenses.[19]

The following examples illustrate why the public interest will not be served by requiring LNP capability regardless of whether the carrier has received a *bona fide* request and why a conclusion to require LNP simply because a carrier is located within the top 100 MSAs is illogical.

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[17] A breakdown of the actual costs per affected company appears as Attachment B.
[18] *December 28, 2001 Order* at p. 13. A discussion of which factors are recoverable begins on page 16.
[19] An end user LNP surcharge has been permitted for the larger carriers where competition does exist. However, the NECA Tariff, which is subscribed to by most of the affected rural carriers in New York State, will only permit LNP recovery through an end user surcharge <u>after</u> a request is received from a competitor for LNP. (NECA Tariff FCC No. 5 § 13.14) It would be inherently unfair to prohibit rural carriers to recover their costs via an end user surcharge but require them to invest in the equipment to provide LNP.

The rural carrier Fishers Island Telephone Corporation serves a portion of Suffolk County, which is part of the New York, NY MSA. However, Fishers Island is an island with approximately 300 full-time residents located 120 miles east of Manhattan, but only three miles from the Connecticut shoreline. It is not affiliated with the New York Metro LATA and, thus, calls between the Island and New York City are InterLATA toll calls. Further, Fishers Island is served by ferry to and from New London, Connecticut with all of its off-island telecommunications traffic routed to Connecticut. Although located within the top 100 MSAs, it is highly unlikely that Fishers Island Telephone will receive a request for LNP from carriers competing in the New York, NY MSA. Fishers Island Telephone estimates that the cost of compliance would exceed $225,000.

Pattersonville Telephone Company, a rural carrier which serves about 1,500 access lines in one exchange in the Albany, NY MSA and is over 30 miles west of Albany, would need to upgrade its single switch to a higher generic upgrade at a cost of $35,000, purchase the LNP and pooling software packages at a cost of $44,000, and make various billing and database administration upgrades (including translations) at a cost exceeding $8,000 in order to comply with an LNP capability requirement. This amounts to a grand total of $87,000 for a company which, to date, has not received a request for interconnection or LNP from a competing carrier and, thus, would result in the expenditure of considerable sums of money without any need for LNP capability.

Further, as stated, even assuming that Pattersonville Telephone could charge its customers an end user LNP surcharge to recoup some of these costs, its customers would not receive the benefit of being able to switch to a competing carrier, if they so choose. In addition, any blocks of numbers made available by becoming thousands block pooling capable would not benefit any other carriers because these numbers only have value in Pattersonville Telephone's Rotterdam Junction exchange.

Similarly, Port Byron Telephone Co. has 1,100 customers in the Savannah exchange, which is part of the Rochester, NY MSA. It estimates a cost of $98,000 for the required switch upgrade, $70,000 for the LNP software, $24,000 for the pooling software, and an additional $8,000 for translations. These costs total a combined $200,000.

This scenario is repeated several times around the state by other Independents, none of which has received a *bona fide* request from a competing carrier, but happen to serve some customers in the top 100 MSAs. Requiring these carriers to go through the expense to provide LNP and pooling without any offsetting benefit for the public or competing carriers is a clear violation of the public interest.

Finally, in response to the 1997 FCC LNP decision, for example, the New York State Public Service Commission ("NYS PSC") balloted competitive local exchange carriers ("CLECs") as to which exchanges they would like to have LNP available. This information assisted in developing the initial LNP roll-out schedule in New York State. In the end, CLECs did not select any rural carrier exchanges for the official roll-out schedule.

II. RURAL CARRIERS THAT HAVE SWITCHES EITHER WITHIN THE LARGEST 100 MSAs, OR IN AREAS ADJOINING THE LARGEST 100 MSAs BUT PROVIDE SERVICE TO NO OR FEW CUSTOMERS WITHIN THE MSA, SHOULD BE EXEMPT FROM THE LNP REQUIREMENT BECAUSE THEY ARE UNLIKELY TO RECEIVE A REQUEST FOR LNP

The reasoning in the *December 28, 2001 Order* for not extending the requirements to carriers outside the top 100 MSAs is equally applicable to rural carriers operating within (or adjacent to) the top 100 MSAs. In pertinent part, the FCC very cogently stated the reasons why it declined to extend these requirements to non-LNP capable carriers outside the top 100 MSAs that have not yet received a request:

> There is insufficient evidence in the record to conclude that requiring these carriers to participate in pooling would result in significant numbering resource savings. Many of the carriers outside of the largest 100 MSAs operate in rate centers where there are few, if any, competing carriers. . . . [I]t would be unreasonable to require non-LNP capable carriers in these areas to establish pooling capability because they would have few, if any, carriers with which to pool. In addition, there is insufficient evidence in the record for us to conclude that the non-LNP capable carriers operating outside of the largest 100 MSAs, viewed as a whole, hold significant amounts of numbering resources compared to carriers in larger metropolitan areas. Because these carriers hold relatively small amounts of numbering resources, there would be little benefit, at least from a nationwide perspective, to requiring them to participate in pooling. . . . For these reasons, we find that requiring these carriers to participate in pooling would not result in significant number optimization benefits.
>
> . . . . Evidence from the record suggests that the per line cost to establish pooling capability would be significantly higher for small and rural carriers operating outside of the largest 100 MSAs than for carriers operating inside urban and metropolitan areas because of these carriers' limited customer bases. Additionally, some commenters predict that imposing these costs on smaller and rural carriers may delay efforts to bring advanced services to rural subscribers. Weighed against the limited number optimization benefits of requiring these carriers' participation in pooling, these costs appear to be unreasonably high.[20]

NYSTA stands squarely behind this analysis and can only add that serving some customers in the top 100 MSAs does not alter the inherent nature of a rural carrier.

Accordingly, the fact that the *December 28, 2001 Order* recognizes the negative impact the requirement would have on rural carriers lends additional credence to NYSTA's position that there is no legal basis for a 180 degree change in LNP requirements for those rural carriers operating in or near the top 100 MSAs. All rural carriers have been granted the same protections under the Telecommunications Act, regardless of which MSA they happen to operate in.

III. RURAL CARRIERS IN THE TOP 100 MSAs SHOULD NOT BE REQUIRED TO PARTICIPATE IN THOUSANDS-BLOCK POOLING, REGARDLESS OF WHETHER THEY ARE REQUIRED TO BE LNP CAPABLE OR IF THEY HAVE RECEIVED A REQUEST TO PROVIDE LNP IN A PARTICULAR SWITCH

This question raises the possibility that pooling should be separated from LNP as a distinct requirement. NYSTA is opposed to such a finding.

Historically, pooling and LNP have been a single mandate due to their interlocking characteristics. Portability assumes that there is another carrier operating in the same exchange such that an end user customer could switch providers and retain its preexisting telephone number. Pooling presupposes the existence of another carrier in the same exchange such that sharing of the numbers within the NXX code can occur. If there are no competing carriers in the particular exchange, there is no reason for the

[20] *December 28, 2001 Order*, at pages 10 to 11.

incumbent to invest in either LNP or pooling software upgrades; the NXX code assigned to that exchange only can be used by carriers operating within the exchange. Rural carriers, accordingly, should not be required to pool their numbers separately from investing in LNP.

Further, in response to the Commission's inquiry whether small carriers should be exempt from pooling, rural carriers, even those that are LNP capable, should not be required to pool their numbers. As a general rule, these rural carriers' individual exchanges are quite small and, thus, utilize very few numbers within a given NXX code. For example, Pattersonville Telephone serves a total of 1,470 access lines within its exchange and Fishers Island Telephone serves 1,072 access lines within its exchange. It is very unlikely, even with competition and LNP, that these NXX codes would exhaust. As this Commission is aware, one of the primary reasons for implementing pooling is to stave off code exhaust. Therefore, there would be a limited value, at best, arising from mandating rural carrier pooling, given the expense associated with pooling. Moreover, the NYS PSC has already required code holders, including rural carriers, to refrain from assigning numbers from lightly used blocks to keep them available.[21]

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[21] *See, e.g., Order Instituting Wide Area Rate Centers and Number Pooling*, Case 98-C-0689, Issued December 2, 1999.

IV. THOSE AREAS INCLUDED ON THE LARGEST 100 MSA LIST ONLY BECAUSE THEY HAVE COMBINED WITH OTHER MSAs INTO CMSAs ARE NOT SUFFICIENTLY COMPETITIVE TO BE SUBJECT TO THE LNP AND POOLING REQUIREMENTS AND STATE COMMISSIONS SHOULD NOT BE GIVEN AUTHORITY TO REQUIRE LNP AND POOLING IN THESE ADDITIONAL MSAs

Of the 13 carriers identified in these Comments, one carrier only falls into the top 100 MSAs when the county that it operates in is included in the New York, NY CMSA. Specifically, Warwick Valley Telephone Co. operates in Orange County.[22] Orange County is outside of the New York, NY MSA, but is part of the larger CMSA.

While there may be a nexus between Orange County and adjacent counties, both within and without the New York, NY MSA, there is no connection between it and New York City. Orange County is generally a rural, suburban county. It is similar in nature to the territories served by other rural carriers throughout the state. Accordingly, the LNP and pooling requirements contemplated by the *March 14, 2002 Notice* should not apply to Warwick Valley Telephone or other rural carriers operating in the 100 largest CMSAs (or the underlying top 100 MSAs) for the same reasons that the rules should be inapplicable to any rural carrier regardless of the MSA within which it operates and without a request.

As a result, there is no need to delegate authority to the state commissions to permit LNP or pooling in these CMSA counties because the rural carriers should not be subjected to these requirements regardless of which county they operate in.

V. IN THE ALTERNATIVE, RURAL CARRIERS SHOULD BE ABLE TO OPT OUT OF PARTICIPATION IN THESE MSAs UPON A SHOWING THAT THERE ARE NO COMPETING CARRIERS IN THE APPLICABLE GEOGRAPHIC AREA

Under § 1.3 of the FCC's Rules, the Commission is free to waive the applicability of its requirements to certain providers when good cause is shown.[23] Should the FCC reject NYSTA's position that rural carriers operating in the top 100 MSAs continue to be exempt from the LNP and pooling requirements in the absence of a request, NYSTA believes good cause has been shown to waive this requirement for the affected rural carriers in New York State because they have not received a request for LNP and, thus, should not be required to invest in LNP.

While the 13 companies cited in these Comments provide service in the counties included within the affected MSAs or CMSA, they all serve rural, low-population areas and are generally 30 miles or more from the city which names the particular MSA.

As another example, Oriskany Falls Telephone Company, is over 35 miles east of Syracuse, serves little more than 700 customers, but happens to be located in Madison County which is included in the Syracuse, NY MSA. Like all of the other carriers referenced in these Comments, this company has not received a request for LNP or interconnection from a competitor at this time.

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[22] Citizens Telecommunications Company of New York, which provides service in numerous counties in the five identified MSAs in New York State, also operates in Dutchess and Orange counties.
[23] 47 CFR § 1.3.

There is no justification to treat this carrier any differently than other rural carriers that happen to operate outside of the MSA boundaries. All of the New York State rural carriers are committed to embracing competition; however, before the expense to become LNP and pooling capable can begin, the Telecommunications Act requires two events to occur first: a rural exemption evaluation by the state commission and an interconnection agreement must be negotiated.[24] No justification has been presented to skip these required steps or to treat rural carriers in the top 100 MSAs any differently than rural carriers outside the top 100 MSAs.

Accordingly, should the Commission not provide a blanket exemption for all rural carriers operating in the top 100 MSAs and CMSAs, we urge that rural carriers be provided with an opportunity to demonstrate that there are no competing carriers in their territory. Thus, rural carriers should be able to waive the applicability of this requirement for good cause shown.

CONCLUSION

NYSTA appreciates the opportunity to present these Comments to the FCC. We hope the positions presented will be accorded deference so that rural carriers serving portions of the top 100 MSAs will not need to become LNP and/or pooling capable prior to a request being received.

[24] *See:* footnote 16*, supra.*

Further, should this blanket exemption not be granted, we hope that rural carriers will have an opportunity to waive the LNP and pooling implementation requirements in the absence of competition.

Respectfully submitted,

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Dated: May 6, 2002

Attachment A

Rural Carriers in Affected MSAs *

New York, NY
Citizens Telecommunications Company of New York
Fishers Island Telephone Corp.
Warwick Valley Telephone Co.

Buffalo, NY
Citizens Telecommunications Company of New York

Rochester, NY
Citizens Telecommunications Company of New York
Empire Telephone Corp.
Frontier Communications of Seneca-Gorham
Ogden Telephone Co.
Ontario Telephone Co.
Port Byron Telephone Co.

Albany, NY
Citizens Telecommunications Company of New York
Middleburgh Telephone Co.
Pattersonville Telephone Co.
State Telephone Co.

Syracuse, NY
Citizens Telecommunications Company of New York
Oriskany Falls Telephone Co.
Vernon Telephone Co.

* The information regarding which counties are included in the affected MSAs has been derived from the U.S. Census Bureau, 2000 Census. Counties included in the New York, NY MSA includes all counties in the CMSA. The *December 28, 2001 Order* recognizes that the composition of the MSAs will change over time (at page 56). Therefore, applicability issues determined in a final order in this proceeding would appropriately apply to all rural carriers operating in the top 100 MSAs as these MSAs are defined as of this filing and to any extent that they may change in the future.

Attachment B

Financial Implications for Affected Rural Carriers *

Carrier Name: Citizens Telecommunications Company of New York
MSA: Albany, NY; Buffalo, NY; New York, NY; Rochester, NY; Syracuse, NY
TOTAL Compliance Cost: $814,384
Number of Access Lines: 312,882

Carrier Name: Empire Telephone Corp.
MSA: Rochester, NY
TOTAL Compliance Cost: $14,680
Number of Access Lines: 1,601

Carrier Name: Fishers Island Telephone Corp.
MSA: New York, NY
TOTAL Compliance Cost: $225,120
Number of Access Lines: 1,072

Carrier Name: Frontier Communications of Seneca-Gorham
MSA: Rochester, NY
TOTAL Compliance Cost: $40,436
Number of Access Lines: 10,026

Carrier Name: Middleburgh Telephone Co.
MSA: Albany, NY
TOTAL Compliance Cost: $77,319
Number of Access Lines: 7,200

Carrier Name: Ogden Telephone Co.
MSA: Rochester, NY
TOTAL Compliance Cost: $250,000
Number of Access Lines: 23,000

Carrier Name: Ontario Telephone Co.
MSA: Rochester, NY
TOTAL Compliance Cost: $187,000
Number of Access Lines: 5,127

Carrier Name: Oriskany Falls Telephone Co.
MSA: Syracuse, NY
TOTAL Compliance Cost: N/A (Remote off of Vernon Telephone's switch)
Number of Access Lines: 747

Carrier Name: Pattersonville Telephone Co.
MSA: Albany, NY
TOTAL Compliance Cost: $87,000
Number of Access Lines: 1,470

Carrier Name: Port Byron Telephone Co.
MSA: Rochester, NY
TOTAL Compliance Cost: $200,000
Number of Access Lines: 3,472

Carrier Name: State Telephone Co.
MSA: Albany, NY
TOTAL Compliance Cost: $135,780
Number of Access Lines: 5,500

Carrier Name: Vernon Telephone Co.
MSA: Syracuse, NY
TOTAL Compliance Cost: $43,000
Number of Access Lines: 2,571

Carrier Name: Warwick Valley Telephone Co.
CMSA: New York, NY
TOTAL Compliance Cost: $70,000
Number of Access Lines: 20,000

* The information regarding which counties are included in the affected MSAs has been derived from the U.S. Census Bureau, 2000 Census. Counties included in the New York, NY MSA includes all counties in the CMSA. The *December 28, 2001 Order* recognizes that the composition of the MSAs will change over time (at page 56). Therefore, applicability issues determined in a final order in this proceeding would appropriately apply to all rural carriers operating in the top 100 MSAs as these MSAs are defined as of this filing and to any extent that they may change in the future.